

**RULES  
OF  
DEPARTMENT OF COMMERCE AND INSURANCE  
DIVISION OF REGULATORY BOARDS**

**CHAPTER 0780-05-02  
PRIVATE PROTECTIVE SERVICES**

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**0780-05-02-.01 PURPOSE.**

The purpose of this chapter is to provide for the administration and implementation of the Private Protective Services Licensing and Regulatory Act (T.C.A. § 62-35-101 et seq., herein referred to as the "Act").

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

**0780-05-02-.02 DEFINITIONS**

- (1) As used in this chapter, unless the context otherwise requires, the definitions of terms contained in § 62-35-102 of the Act are applicable.
- (2) The following definitions are also applicable in these rules.
  - (a) "Baton" means a club, nightstick, or baton that is designed and manufacture for use by a law enforcement officer or security guard/officer.
  - (b) "Chemical spray" means a chemical composition housed in a hand held dispenser that is designed and manufactured for the purpose of self defense.
  - (c) "Stun gun" means a hand-held device designed and manufactured for self defense which emits an electrical spark which may momentarily disable a person.

**Authority:** T.C.A. § 62-35-129. **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed January 30, 1997; effective April 15, 1997.

**0780-05-02-.03 SWORN PEACE OFFICERS.**

- (1) The provisions of the Act do not apply to a full-time sworn peace officer who receives compensation in an employer/employee relationship for security guard and patrol services under a contract with a private business other than a contract security company. However,

(Rule 0780-05-02-.03, continued)

this paragraph shall not be construed to exempt such proprietary security organization or contract security company from the requirements of the Act.

- (2) At any reasonable time upon request, a private business which employs a full-time sworn peace officer as a guard, patrolman, or watchman shall make available to the Commissioner:
  - (a) A copy of the employment contract (if written); and
  - (b) Any policy of insurance which covers or is purported to cover the sworn peace officer's acts or omissions within the scope of the employment.

**Authority:** T.C.A. §§ 62-35-129(b) and 62-35-103(8). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

#### **0780-05-02-.04 HOSPITALS.**

- (1) If a hospital employs any armed security guards/officers in an employer-employee relationship, such hospital shall comply with all of the requirements for a proprietary security organization under the Act.
- (2) If a hospital which employs only unarmed security guards/officers files a notice of revocation of voluntary submission to the provisions of the Act pursuant to T.C.A. § 62-35-123(b), such hospital shall remain subject to the prescribed civil or criminal penalties for acts or omissions occurring between receipt of the notice of voluntary submission and receipt of the notice of revocation.

**Authority:** T.C.A. §§ 62-35-129(b), 62-35-130(b), and 62-35-136. **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988.

#### **0780-05-02-.05 FINGERPRINTING.**

- (1) Any person required to submit classifiable fingerprints by the Act or this chapter shall be deemed to have supplied the required sets of fingerprints if that applicant causes a private company contracted by the State to electronically transmit that applicant's classifiable prints directly to the TBI and FBI to forward an electronic report based on that applicant's fingerprints to the Commissioner.
- (2) Any person required to submit fingerprints by the Act or this chapter shall make the arrangements for the processing of his or her fingerprints with the company contracted by the State to provide electronic fingerprinting services directly and shall be responsible for the payment of any fees associated with the processing of fingerprints to the respective agent authorized by the TBI and FBI.
  - (a) Provided, however, that the Commissioner or the Commissioner's designee may authorize the submission of three (3) sets of classifiable physical fingerprint cards, at the expense of the applicant and rolled by a qualified person acceptable to the Commissioner or the Commissioner's designee, for good cause.
- (3) In the event an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable by nature then the Commissioner may require the applicant to cease all functions as a security guard officer and the applicant shall submit new fingerprints together with any additional fee(s) charged by the TBI and/or FBI for processing the new fingerprints.

(Rule 0780-05-02-.05, continued)

- (4) In the event the State no longer contracts with any company to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable TBI and FBI fingerprint cards with his or her application and shall pay the Commissioner all processing fees established by the TBI and FBI.
- (5) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant.
- (6) Applicants shall in all cases be responsible for paying application fees as established by the Commissioner regardless of the manner of fingerprinting.

**Authority:** T.C.A. §§ 62-35-105(a)(4)(E), 62-35-116(7), 62-35-119(a)(1)(B) and (C), 62-35-129(b), and 62-35-130 (a). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed February 28, 2001; effective May 14, 2001. Amendments filed December 4, 2015; effective March 3, 2016.

#### **0780-05-02-.06 INSURANCE REQUIREMENTS.**

- (1) An applicant for a contract security company license shall furnish, in addition to the information specified in § 62-35-105(a) of the Act, a certificate of insurance which meets the requirements of § 62-35-114
- (2) A proprietary security organization which files a notice under § 62-35-123 of the Act shall furnish, in addition to the information specified therein, a certificate of insurance which meets the requirements of § 62-35-114.
- (3) The insurance requirements of § 62-35-114 apply only to licensees and those proprietary security organizations which are covered by the Act. Such requirements do not apply to a private business which procures security guard and patrol services from an independent contractor.
- (4) In the event that a licensee or a proprietary security organization covered by the Act ceases (due to modification, cancellation, or non-renewal of a policy) to maintain insurance coverage which meets the requirements of § 62-35-114 of the Act, such licensee or proprietary security organization shall not provide, employ, or undertake to provide or employ any security guard and patrol service until a proper insurance certificate is filed with the commissioner.

**Authority:** T.C.A. §§ 62-35-129(b), 62-35-105(a)(6), and 62-35-123(3). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

#### **0780-05-02-.07 APPLICANTS FOR LICENSES.**

- (1) Experience.
  - (a) Any applicant who seeks to qualify for a contract security company license on the basis of experience (see § 62-35-106(6)(A) and (B) of the Act) must substantiate such experience with suitable documentation of employment (preferably written certifications from employers). The applicant's claimed experience is subject to such independent verification by the commissioner as may be deemed warranted.
  - (b) The commissioner will not consider experience accumulated without any authorization, permit, or license required by applicable federal, state, or local law.
- (2) Examination.

(Rule 0780-05-02-.07, continued)

- (a) Any applicant who seeks to qualify for a contract security company license by passing an examination (see § 62-35-106(C) of the Act) must apply directly to the independent testing organization selected by the commissioner to prepare and grade such examination. Payment of any examination (or reexamination) fee shall be the responsibility of the applicant.
- (b) The examination for a contract security company license will cover the following subjects:
  - 1. general duties of a contract security company business;
  - 2. field note taking and report writing;
  - 3. emergency procedures;
  - 4. legal powers and limitations; and
  - 5. the provisions of the Act and this chapter.
- (c) The commissioner will notify each examinee of the results of the examination promptly after receiving them from the independent testing organization.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

#### **0780-05-02-.08 APPLICANTS FOR REGISTRATION CARDS.**

- (1) Pending issuance or denial of a registration card, an individual may work as an unarmed security guard/officer if he:
  - (a) Has filed with the commissioner an application which is sufficient on its face in all respects (except for proof of completion of required training). The commissioner may consider the following documentation as proof that an application has been filed:
    - 1. Postmarked certified United States Mail receipt addressed to the Tennessee Department of Commerce and Insurance and evidencing certified return receipt postage paid;
    - 2. Receipt evidencing shipment of the application to the Tennessee Department of Commerce and Insurance via a commercial courier service;
    - 3. United States Mail return receipt; or
    - 4. Such other evidence of filing as the commissioner may deem acceptable;
  - (b) Has paid the prescribed application fee; and
  - (c) Keeps on his person while on duty, a copy of the completed application that is on file with the Tennessee Department of Commerce and Insurance.
  - (d) Once an application for an unarmed security guard/officer has been denied, then the applicant may not perform the services of an unarmed security guard/officer by retaining a copy of a completed and filed application on his person.

(Rule 0780-05-02-.08, continued)

- (e) Any applicant for an unarmed security guard/officer registration card employed by a proprietary security organization shall include a letter from the employer attesting to the employment of the applicant.
  - (f) Once an application for either an armed or unarmed security guard has been denied based on a criminal record, the security guard must immediately cease and desist all security guard activities and may not reapply for a security guard registration, either armed or unarmed, for six (6) months from the date of the registration denial.
- (2) No individual shall act as an armed security guard/officer before obtaining an armed security guard/officer registration card, except any individual employed as an armed security guard/officer on January 1, 1988 who:
- (a) Files with the Commissioner on or before March 31, 1988, an application for an armed security guard/officer registration card which is sufficient on its face in all respects (except for proof of completion of required training), and is accompanied by the proper fee;
  - (b) Keeps on his person while on duty a copy of the completed application; and
  - (c) Has not been notified by the Commissioner that such application has been denied.
- (3) Any holder of, or applicant for, an unarmed security guard/officer registration card who wishes to act as an armed security guard/officer must file a separate application (with the prescribed application fee) for an armed security guard/officer registration card.

**Authority:** T.C.A. §§ 62-2-103(b), 62-35-129(b), 62-35-116, 62-35-119(b), and Public Acts of 1987, Chapter No. 436, Section 38(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed December 14, 1990; effective January 28, 1991. Amendment filed February 28, 2001; effective May 14, 2001.

#### **0780-05-02-.09 EXAMINATIONS OF APPLICANTS FOR REGISTRATION CARDS.**

- (1) The examination(s) which must be passed by an applicant for a new registration card will be administered and graded by the applicant's certified trainer. Such examination(s) shall be:
- (a) Written;
  - (b) Designed primarily to measure the applicant's knowledge in the field of security guard and patrol service generally, rather than in policies, procedures, or requirements associated with a particular contract security company or proprietary security organization; and
  - (c) Subject to review and evaluation by the Commissioner at any reasonable time upon request.
- (2) If, after review and evaluation of an examination administered by a certified trainer, the Commissioner determines that it does not adequately cover the subjects required by § 62-35-118 of the Act, the Commissioner shall notify the certified trainer in writing of such determination and the reason(s) for it. Upon receipt of such written notice, the certified trainer shall expeditiously revise the examination to the satisfaction of the Commissioner.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

**0780-05-02-.10 CERTIFICATES OF COMPLETION OF TRAINING.**

- (1) When an applicant for a registration card (or renewal thereof) successfully completes the training (including any examination) required by the Act, the applicant's certified trainer shall submit a statement to the Commissioner on the prescribed form. The statement shall contain:
  - (a) The name and certification number of the trainer;
  - (b) The name and Social Security number of the applicant;
  - (c) The nature of the training completed; and
  - (d) The date of completion.
- (2) The commissioner may refuse to accept a statement submitted pursuant to paragraph (1) above if it is inaccurate or incomplete in any material respect.
- (3) No applicant will receive credit for training which is completed earlier than one (1) year prior to the date the application is received by the Tennessee Department of Commerce and Insurance.

**Authority:** T.C.A. §§ 62-35-129(b), 62-35-118(c), and Public Acts of 1987, Chapter No. 436, Section 38(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed December 14, 1990; effective January 28, 1991. Amendment filed February 28, 2001; effective May 14, 2001.

**0780-05-02-.11 CERTIFIED TRAINERS.**

- (1) Any individual who seeks to provide training to a security guard/officer in the use of nonlethal weapons must qualify as a certified trainer in accordance with T.C.A. § 62-35-126 and this rule.
- (2) Any individual who wishes to become a certified trainer shall submit an application to the Commissioner on the prescribed form. The application shall include:
  - (a) The full name and business address of the applicant;
  - (b) Date and place of birth;
  - (c) Three (3) sets of classifiable fingerprints;
  - (d) Disclosure of any affiliation with a contract security company or proprietary security organization;
  - (e) Identification of the classifications of training that are set out below that the applicant desires to administer:
    1. Unarmed general training;
    2. Firearms training;
    3. Baton training;
    4. Chemical spray training; and/or

(Rule 0780-05-02-.11, continued)

5. Stun gun training;
- (f) A resume outlining the education and experience of the applicant, including descriptions of all employment or occupations engaged in during the immediate past five (5) years;
- (g) Any documentary evidence of qualifications to conduct the training required by the Act, such as:
  1. An instructor's certificate issued by the Tennessee Peace Officer Standards and Training Commission;
  2. An instructor's certificate issued by a federal, United States military, state, county, or municipal law enforcement agency;
  3. An instructor's certificate issued by the National Rifle Association;
  4. For each type of nonlethal weapons training which the applicant desires to provide, a certificate showing that the applicant has completed a course in the instruction of persons in the proper use of the nonlethal weapon and the liabilities associated with its use; and/or
  5. For each type of nonlethal weapons training which the applicant desires to provide, a notarized statement by the applicant to the effect that the applicant has, for at least one (1) year prior to November 1, 1996, provided training to security guard/officers or law enforcement officers in the proper use of the nonlethal weapon and the liabilities associated with its use.
- (h) The name and qualifications of any instructor whom the applicant intends to appoint to assist in the implementation of the training program.
- (i)
  1. If a trainer who already possesses a current certification in firearms or general unarmed training as of November 1, 1996, wishes to obtain certification to administer the training of security guard/officers in the use of nonlethal weapons as provided in this rule, such trainer shall submit:
    - (i) Proof of qualifications as provided by paragraphs (g) and (h) of this rule;
    - (ii) A written request containing the following:
      - (I) The certified trainer's full name and address;
      - (II) The certification number issued by the Commissioner; and
      - (III) Identification of which specific type(s) of nonlethal weapons training the trainer wishes to obtain certification to administer.
    - (iii) A twenty-five dollar (\$25.00) dollar processing fee for each classification of nonlethal weapons training which the applicant seeks to administer.
  2. The trainer shall not hold himself out as being qualified to administer such training or provide certification cards to trained security guards/officers until the trainer has been issued a certification to administer the specific type of nonlethal weapons training.

(Rule 0780-05-02-.11, continued)

- (3) Each applicant for certification as a trainer must be at least twenty-one (21) years of age and meet the qualifications for a registration card set forth in T.C.A. § 62-35-117(2),(3),(4), (5) and (7). The one (1) year of supervisory experience required by T.C.A. § 62-35-126(a)(2) may consist wholly or partially of teaching the subject of security guard and patrol service.
- (4) A trainer shall notify the Commissioner in writing within ten (10) days of any material change in information furnished in connection with an application for certification.
- (5) If the Commissioner determines that an applicant for certification as a trainer is qualified to conduct only one (1) type of training permitted by this rule, the Commissioner shall limit the terms of the trainer's certificate accordingly.
- (6) Any instructor assisting in the implementation of a training program shall be under the supervision and control of the certified trainer by which he was appointed. The certified trainer shall be accountable for the performance of each instructor appointed.
- (7) Any certified trainer appointing an instructor shall at the time of such appointment submit to the Commissioner documentation that the instructor meets the requirements of T.C.A. § 62-35-126(c).
- (8) The non-refundable fee for certification as a trainer shall be one hundred fifty dollars (\$150.00). The certification shall expire one (1) year after the date of issuance, and shall be renewable annually upon payment of a like fee.
- (9) A certified trainer's certificate, or a copy thereof, shall be conspicuously displayed at the trainer's business address.
- (10) When a security guard/officer has successfully completed training for a nonlethal weapon listed in this rule, the trainer shall provide the security guard/officer with a card on which the trainer has certified that the security guard/officer has successfully completed the appropriate training required to carry the weapon.

**Authority:** T.C.A. §§ 62-35-129(b), 62-35-118(a), and 62-35-126. **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed July 19, 1990; effective September 2, 1990. Amendment filed January 30, 1997; effective April 15, 1997.

#### **0780-05-02-.12 TRAINING RECORDS.**

- (1) A certified trainer shall maintain accurate records of all students enrolled in any training program administered by the trainer. The records shall include all information and ratings considered by the certified trainer in determining whether a student has successfully completed the training program.
- (2) The records required to be kept under paragraph (1) above shall be maintained for a period of at least three (3) years after the student's completion of the training program. Such records shall be made available to the Commissioner at any reasonable time upon request.
- (3) All training forms must contain the original signature of the certified trainer or such other likeness of the legal signature as the commissioner may deem acceptable. Photocopied and/or ink stamped signatures will not be accepted by the Department of Commerce and Insurance.



(Rule 0780-05-02-.12, continued)

**Authority:** T.C.A. §§ 62-35-129(b) and 62-35-118. **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed January 30, 1997; effective April 15, 1997. Amendment filed February 28, 2001; effective May 14, 2001.

#### **0780-05-02-.13 MONITORING OF TRAINING PROGRAMS.**

As a condition of licensure, a certified trainer agrees to periodic monitoring of his/her training program by the Commissioner of Commerce and Insurance or the Commissioner's designee for the purpose of evaluating the program content, instructor performance, or any other relevant aspect of the administration and conduct of such training program. The certified trainer shall provide the Department with training program dates, times, and locations upon the request of the Department.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed February 28, 2001; effective May 14, 2001.

#### **0780-05-02-.14 WITHDRAWAL OF CERTIFICATION.**

- (1) The Commissioner may withdraw the certification of a trainer if, after reasonable notice and opportunity for hearing, the Commissioner finds that such trainer:
  - (a) Has violated any provision of the Act or this chapter;
  - (b) Has become certified through fraud or misrepresentation;
  - (c) Has falsified any statement or record required to be submitted or kept hereunder;
  - (d) Has been convicted by a court of competent jurisdiction of a felony or a misdemeanor, if the Commissioner finds that such conviction reflects unfavorably on the trainer's fitness for certification; or
  - (e) Is demonstrably incompetent to conduct the training required by the Act.
- (2) If an individual wishes to terminate his status as a certified trainer, he shall notify the Commissioner in writing. The notice shall include the effective date of the desired termination, and shall be accompanied by the certified trainer's original certificate.
- (3) A withdrawal of certification under this rule shall not affect the creditability of any hours of training satisfactorily completed by a student prior to the effective date of such withdrawal.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988.

#### **0780-05-02-.15 AUTHORIZED WEAPONS.**

- (1) Firearms- The holder of a valid armed security guard/officer registration card may carry a firearm in the performance of duties only if:
  - (a) The security guard has qualified pursuant to T.C.A. § 62-35-118(b)(2) in the use of such firearm. The security guard must be qualified by a certified trainer for each firearm used in the security guard's employment;
  - (b) The firearm is a standard .38, .32, .357, 9mm, 10mm, .40, or .45 caliber revolver or semiautomatic pistol, standard 12 gauge shotgun, or other firearm approved by the Commissioner; and

(Rule 0780-05-02-.15, continued)

- (c) The firearm is carried pursuant to a written directive issued in accordance with T.C.A. §§ 39-6-1702 and 62-35-131 by the appropriate law enforcement official in the county of the security guard's company's permanent business address. An armed security guard/officer shall not work unless he/she is in possession of a valid written directive. A handgun carry permit issued by the Department of Safety is not acceptable to fulfill this requirement.
  - (d) No unarmed security guard/officer shall carry a firearm on their person while in a security uniform or acting in the role of a security guard/officer regardless of whether or not such individual possesses a handgun carry permit issued by the Department of Safety.
- (2) Other Weapons - A security guard/officer may carry a baton, a stun-gun or a chemical spray only if:
  - (a) The security guard/officer has successfully completed the appropriate training for the use of the weapon as established by this rule;
  - (b) The security guard/officer carries on his or her person a card signed by a trainer certified by the Commissioner to conduct such training to the effect that the security guard/officer has successfully completed the training required to carry the weapon which was administered by the trainer.
  - (c) The security guard/officer has obtained authorization from the contract security company or proprietary security organization which employs the security guard/officer.
- (3) Prior to carrying a baton, a security guard/officer shall complete a minimum of four (4) hours of training administered by a trainer who has been certified by the Commissioner to train security guards/officers in the use of the baton. Such training shall consist of instruction in the proper use of a baton and the liabilities associated with the use of the baton.
- (4) Prior to carrying chemical spray, a security guard/officer shall complete a minimum of four (4) hours of training administered by a trainer who has been certified by the Commissioner to train security guards/officers in the use of chemical spray. Such training shall consist of instruction in the proper use of chemical spray and the liabilities associated with the use of chemical spray.
- (5) Prior to carrying a stun gun, a security guard/officer shall complete a minimum of four (4) hours of training administered by a trainer who has been certified by the Commissioner to train security guards/officers in the use of stun guns. Such training shall consist of instruction in the proper use of a stun gun and the liabilities associated with the use of the stun gun.
- (6) A security guard/officer who after November 1, 1994 received four (4) hours of training covering the use a nonlethal weapon identified in this rule may continue to use the weapon without undergoing retraining only if:
  - (a) The trainer who provided the training is approved by the Commissioner to administer the type of weapons training provided to the security guard/officer; and
  - (b) The trainer, after having been approved by the Commissioner to administer the type of training provided to the security guard/officer, furnishes the security guard/officer with a card on which the trainer certifies that the security guard/officer has received the training required by this rule to carry the weapon.
- (7) A security guard/officer may not possess any type of weapon that is not provided for by this rule while acting as a security guard/officer.

(Rule 0780-05-02-.15, continued)

**Authority:** T.C.A. §§ 62-35-129(b), 62-35-125, 62-35-131(b), and 62-35-134(c)(4). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed April 16, 1992; effective May 31, 1992. Amendment filed January 30, 1997; effective April 15, 1997. Amendment filed February 28, 2001; effective May 14, 2001.

#### **0780-05-02-.16 CHANGES OF ADDRESS.**

- (1) A licensee, certified trainer, or proprietary security organization which has filed a notice under § 62-35-123 of the Act shall notify the Commissioner in writing within ten (10) days of any change of business address.
- (2) A registrant shall notify the Commissioner in writing within ten (10) days of any change in residential address and change of employer.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed July 19, 1990; effective September 2, 1990.

#### **0780-05-02-.17 NOTIFICATION OF TERMINATION.**

A licensee or proprietary security organization shall notify the Commissioner in writing within ten (10) days of the death or termination of an employee/registant for any occurrence which could reasonably be expected to affect the employee/registant's right to hold a certificate of registration under this chapter.

**Authority:** T.C.A. §§ 62-35-129(b) and 62-35-124. **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed July 19, 1990; effective September 2, 1990.

#### **0780-05-02-.18 INVESTIGATIONS AND COMPLAINTS.**

- (1) The commissioner may investigate any person engaged, or suspected of engaging, in any business or activity regulated under the Act.
- (2) Upon receipt of any written complaint against a licensee, registrant, certified trainer, or proprietary security organization which has filed a notice under § 62-35-123 of the act, the commissioner shall promptly transmit a copy of such complaint to the accused party. Such party shall, within twenty (20) days, file a written answer to the complaint with the commissioner.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

#### **0780-05-02-.19 PROHIBITED REPRESENTATIONS.**

No licensee, registrant, certified trainer, or proprietary security organization shall represent that it (he/she), or any aspect of its (his/her) business or activity, has been recommended or endorsed by the commissioner.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

**0780-05-02-.20 SURRENDER OF LICENSE OR REGISTRATION CARD.**

Any license or registration card which is revoked or suspended by the commissioner pursuant to § 62-35-130 of the Act shall be surrendered to the commissioner within ten (10) days of the effective date of the revocation or suspension.

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

**0780-05-02-.21 COPY FEE.**

Upon request, any person not entitled under § 62-35-133 of the Act to a free copy thereof and of any rules promulgated thereunder may obtain a copy from the commissioner for a fee of five dollars (\$5.00).

**Authority:** T.C.A. § 62-35-129(b). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988.

**0780-05-02-.22 RESERVED.**

**Authority:** T.C.A. §§ 62-35-129(b) and Public Acts of 1987, Chapter No. 436, Section 38(a). **Administrative History:** Original rule filed November 17, 1987; effective January 1, 1988. Amendment filed October 21, 1988; effective December 5, 1988. Amendment filed February 28, 2001; effective May 14, 2001.

**0780-05-02-.23 FEES.**

## (1) Contract Security Company:

- (a) An application for a contract security company shall be accompanied by a nonrefundable, nonproratable application fee of three hundred dollars (\$300.00) plus any fingerprint processing fees set by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.
- (b) The Commissioner shall issue a contract security company certification in a form prescribed by the Commissioner upon successful completion of all licensing requirements and upon receipt of a nonrefundable, nonproratable certification fee in accordance with the following schedule:

Number of security guards employed by the company:	Amount of fee:
0 - 49	\$125.00
50+	\$425.00

- (c) The fee for the timely renewal of a contract security company certification is:

Number of security guards employed by the company:	Amount of fee:
0 - 49	\$300.00
50+	\$600.00

"Timely renewal" means all documents and fees required for renewal have been received by the Department of Commerce and Insurance prior to the expiration date of the company certification.

(Rule 0780-05-02-.23, continued)

- (d) The penalty for the late renewal of a contract security company certification shall be in the amount of one hundred dollars (\$100.00) for each month which elapses during the three (3) month late renewal period. The penalty for late renewal is nonrefundable and cannot be prorated for portions of any month. Any company which does not submit complete renewal documentation and fees within three (3) months of the company certification expiration must reapply.
- (2) Certified Trainer:
  - (a) An application for a certified trainer's license shall be accompanied by a nonrefundable, nonproratable application fee in the amount of one hundred dollars (\$100.00) plus any fingerprint processing fees set by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.
  - (b) The Commissioner shall issue a certified trainer's license in a form prescribed by the Commissioner upon successful completion of all licensing requirements and upon receipt of a nonrefundable, nonproratable licensing fee in the amount of fifty dollars (\$50.00).
  - (c) The fee for the timely renewal of a trainer certification is one hundred fifty dollars (\$150.00). "Timely renewal" means all documents and fees required for renewal have been received by the Department of Commerce and Insurance prior to the expiration date of the certified trainer's license.
  - (d) The penalty for the late renewal of a certified trainer's license shall be in the amount of fifty dollars (\$50.00) for each month which elapses during the three (3) month late renewal period. The penalty for late renewal is nonrefundable and cannot be prorated for portions of any month. Any certified trainer who does not submit complete renewal documentation and fees within three (3) months of the certified trainer's license expiration must reapply.
- (3) Security Guard:
  - (a) Armed Security Guard:
    - 1. An application for an armed security guard registration shall be accompanied by a nonrefundable, nonproratable application fee in the amount of seventy-five dollars (\$75.00) plus any fingerprint processing fees set by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.
    - 2. The Commissioner shall issue an armed guard registration in a form prescribed by the Commissioner upon successful completion of the registration requirements and upon receipt of a nonrefundable, nonproratable registration fee in the amount of thirty dollars (\$30.00).
    - 3. The fee for timely renewal of an armed security guard is sixty dollars (\$60.00). "Timely renewal" means that all documentation and fees required for renewal have been received by the Department of Commerce and Insurance prior to the expiration of the armed security guard registration.
    - 4. The penalty for late renewal of an armed security guard shall be in the amount twenty dollars (\$20.00) for each month which elapses during the three (3) month late renewal period. The penalty is nonrefundable and will not be prorated for portions of a month. Any armed security guard who does not submit all required documentation and fees within three (3) months of the armed security guard expiration must reapply.

(Rule 0780-05-02-.23, continued)

5. The fee for a conditional armed guard registration is fifteen (\$15.00).

(b) Unarmed Security Guard:

1. An application for an unarmed security guard shall be accompanied by a nonrefundable, nonproratable application fee in the amount of fifty dollars (\$50.00) plus any fingerprint processing fees set by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.
2. The Commissioner shall issue an unarmed guard registration in a form prescribed by the Commissioner upon successful completion of the registration requirements and upon receipt of a nonrefundable, nonproratable registration fee in the amount of twenty dollars (\$20.00).
3. The fee for timely renewal of an unarmed security guard is fifty dollars (\$50.00). "Timely renewal" means that all documentation and fees required for renewal have been received by the Department of Commerce and Insurance prior to the expiration of that unarmed security guard registration.
4. The penalty fee for late renewal of either an armed or unarmed security guard shall be in the amount twenty dollars (\$20.00) for each month which elapses during the three (3) month late renewal period. The penalty is nonrefundable and will not be prorated for portions of a month. Any security guard who does not submit all required documentation and fees within three (3) months of the security guard expiration must reapply.

(c) Changing Guard Status:

Applications to downgrade from armed to unarmed status shall be accompanied by a nonrefundable, nonproratable fee of ten dollars (\$10.00). Upgrading from unarmed to armed status requires complete armed guard application and fees.

(4) The fee for a duplicate certification, license or registration is twenty five dollars (\$25.00).

**Authority:** T.C.A. §§ 62-35-122, 62-35-126, 62-35-129(b), and Public Acts of 1991, Chapter 425, Sections 1, 2, 3, and 4. **Administrative History:** Original rule filed July 19, 1990; effective September 2, 1990. Amendment filed December 14, 1990; effective January 28, 1991. Amendment filed April 16, 1992; effective May 31, 1992. Amendment filed January 30, 1997; effective April 15, 1997. Amendment filed October 14, 1998; effective December 28, 1998. Amendment filed February 28, 2001; effective May 14, 2001.

**0780-05-02-.24 PROPRIETARY SECURITY ORGANIZATION UNARMED SECURITY GUARD/OFFICER REGISTRATION CARD.**

All unarmed registration cards issued by the commissioner to employees of proprietary security organizations pursuant to T.C.A. §§ 62-35-103(b) and 62-35-119(c), shall be stamped to indicate that they are valid for proprietary security organizations only.

**Authority:** T.C.A. §§ 62-35-103(b), 62-35-115, 62-35-118, 62-35-119(c), and 62-35-129. **Administrative History:** Original rule filed December 14, 1990.